

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM COOK,

Plaintiff,

08cv0942

ELECTRONICALLY FILED

v.

PROGRESSIVE HOME FEDERAL SAVINGS
AND LOAN and GERALD BENN,

Defendants.

Order of Court

Pending before this Court are several motions. Defendants have filed a partial motion to dismiss (doc. no. 9) alleging that plaintiff's claim brought pursuant to the Age Discrimination in Employment Act (ADEA) is time barred. Plaintiff, in turn, agreed that the ADEA claim was untimely, and has filed a motion to dismiss the ADEA claim (doc. no. 13), along with a motion to remand (doc. no. 14), alleging that because the ADEA claim provided the sole basis for federal jurisdiction and because that claim should rightfully be dismissed, this case should be remanded to state court. Plaintiff has also filed an alternative motion seeking an additional 10 days to respond to defendants' motion to dismiss, in the event the Court denied the motion to remand (doc. no. 14). Defendants have responded and agree that this action should be remanded to state court (doc. no. 15).

Accordingly, it is HEREBY ORDERED that:

- (1) Defendants' Motion to Dismiss (doc. no. 9) is GRANTED;
- (2) Plaintiff's Motion to Dismiss (doc. no. 13) is GRANTED;
- (3) Plaintiff's Motion to Remand (doc. no. 14) is GRANTED, and plaintiff's alternative motion for additional 10 days to respond to defendants' motion to dismiss is DENIED AS

MOOT;

(4) This action shall be remanded to the Court of Common Pleas of Allegheny County, forthwith and the Clerk shall mark the docket closed.

SO ORDERED this 22nd day of August, 2008.

s/Arthur J. Schwab

Arthur J. Schwab

United States District Judge

cc: All Registered ECF Counsel and Parties